

Message Text

SECRET

PAGE 01 STATE 083824
ORIGIN SS-25

INFO OCT-01 ISO-00 SSO-00 NSCE-00 INRE-00 CIAE-00
DODE-00 ACDE-00 /026 R

DRAFTED BY PM/ISP:ARVERSHBOW
APPROVED BY PM:LGHELD
DOD/ISA:WSLOCOMBE
JCS:GSMITH
NSC:RBARTHOLOMEW
ACDA:JTIMBIE
EUR:JGOODBY
S/P:PWILSON
S/S:TMARTIN

-----085397 031336Z /47/17

O O 010117Z APR 78
FM SECSTATE WASHDC
TO USMISSION USNATO
INFO AMEMBASSY BONN
AMEMBASSY PARIS IMMEDIATE
AMEMBASSY LONDON IMMEDIATE
USMISSION GENEVA IMMEDIATE
AMEMBASSY BRUSSELS IMMEDIATE

S E C R E T STATE 083824

EXDIS GENEVA FOR USSALTTWO

CORRECTED COPY(LINE 38 TEXT OMITTED)

E.O. 11652: GDS

TAGS: PARM, NATO, SALT

SUBJECT: US REPORT TO NAC ON NON-CIRCUMVENTION

REF: STATE 77597

SECRET

SECRET

PAGE 02 STATE 083824

PLEASE INFORM LUNS THAT US WILL DELIVER REPORT ON NON-
CIRCUMVENTION AT APRIL 5 NAC AS A "STATEMENT ON POLITICAL
SUBJECTS," PER INSTRUCTIONS REFTEL. AS NOTED REFTEL, WE
WOULD LIKE TO MOVE ON TO NEXT ITEM AS RAPIDLY AS WE CAN.
THE OBJECTIVE IS TO AVOID REOPENING ISSUE OR REQUIRING
FURTHER NAC CONSULTATIONS PRIOR TO TABLING OF FALLBACK.

TALKING POINTS FOR AMBASSADOR BENNETT'S PRESENTATION
APRIL 5 FOLLOWS:

BEGIN TEXT:

WE LAST DISCUSSED NON-CIRCUMVENTION IN THE NAC ON FEBRUARY 24, WHEN A GROUP FROM WASHINGTON AND FROM THE SALT DELEGATION OUTLINED US STRATEGY AND GAVE US VIEWS ON THE IMPLICATIONS OF A NON-CIRCUMVENTION PROVISION. I WOULD LIKE TO REPORT TO YOU TODAY ON HOW THE US GOVERNMENT PLANS TO RESOLVE THE NON-CIRCUMVENTION ISSUE ON TERMS FAVORABLE TO THE ALLIANCE.

AS YOU WILL RECALL, THE CURRENT US POSITION ON NON-CIRCUMVENTION, AS RECORDED IN THE JOINT DRAFT TEXT, IS AS FOLLOWS:

"IN ORDER TO ENSURE THE VIABILITY AND EFFECTIVENESS OF THIS TREATY, EACH PARTY UNDERTAKES NOT TO CIRCUMVENT THE PROVISIONS OF THIS TREATY."

THE SOVIETS PROPOSE LANGUAGE SIMILAR TO THIS, BUT WITH A EXPLICIT PROHIBITION ON TRANSFERS OF STRATEGIC OFFENSIVE ARMS OR ASSISTANCE IN THEIR DEVELOPMENT. THE PRESENT SOVIET POSITION IS A MOVE FROM THEIR EARLIER PROPOSAL FOR A MORE SPECIFIC NON-TRANSFER OBLIGATION. HOW-
SECRET

SECRET

PAGE 03 STATE 083824

EVER, ANY REFERENCE TO TRANSFERS, HOWEVER GENERALIZED, REMAINS UNACCEPTABLE TO US.

AS WE TOLD YOU AT THE FEBRUARY 24 NAC, IT IS OUR JUDGMENT THAT THE ADDITION TO THE CURRENT US PROPOSAL OF THE PHRASE WE DISCUSSED WITH YOU LAST YEAR,

"THROUGH ANY OTHER STATE OR STATES, OR IN ANY OTHER MANNER,"

COULD RESOLVE THE ISSUE, WITHOUT AFFECTING THE SUBSTANCE OF THE NON-CIRCUMVENTION PROVISION. ACCORDINGLY, WE PLAN TO TABLE THAT LANGUAGE WHEN THE US GOVERNMENT IS CONFIDENT THAT IT WILL RESOLVE THE ISSUE. WE WILL
MAKE CLEAR TO THE SOVIETS THAT THIS IS OUR FINAL POSITION.

AS WE SAID ON FEBRUARY 24, THE ADDITION OF THE PHRASE ON "OTHER STATES" WOULD NOT ALTER THE SUBSTANTIVE EFFECT OF THE CURRENT US PROPOSAL. MOREOVER, IT IS OUR VIEW THAT A NON-CIRCUMVENTION PROVISION--WITH OR WITHOUT THE REFERENCE TO "OTHER STATES"--IMPOSES NO ADDITIONAL LEGAL OBLIGATIONS BEYOND THOSE INHERENT IN ANY INTERNATIONAL AGREEMENT.

--THE NON-CIRCUMVENTION PROVISION SIMPLY MAKES EXPLICIT THE INHERENT OBLIGATION ANY STATE ASSUMES, WHEN PARTY TO AN INTERNATIONAL AGREEMENT, NOT TO CIRCUMVENT THE PROVISIONS OF THAT AGREEMENT. IT IS THE POSITION OF THE UNITED STATES THAT THE NON-CIRCUMVENTION PROVISION DOES

NOT IMPOSE ANY OBLIGATION ADDITIONAL TO THE SPECIFIC OBLIGATIONS ALREADY CONTAINED OR INHERENT IN THE OTHER PROVISIONS OF THE TREATY AND, FOR THE PERIOD OF ITS EFFECTIVENESS, THE PROTOCOL.

-- THE NON-CIRCUMVENTION PROVISION, LIKE THE ENTIRE SALT AGREEMENT, DEALS SOLELY WITH THE BILATERAL STRATEGIC
SECRET

SECRET

PAGE 04 STATE 083824

RELATIONSHIP BETWEEN THE UNITED STATES AND THE SOVIET UNION. THEREFORE THE UNITED STATES WOULD REJECT, AND WOULD VIEW AS INCONSISTENT WITH THE POLITICAL AND STRATEGIC PURPOSES OF THE AGREEMENT, ANY ATTEMPT BY THE SOVIET UNION TO RAISE, ON THE BASIS OF THE NON-CIRCUMVENTION PROVISION, QUESTIONS CONCERNING THE ACTIVITIES OF STATES NOT PARTY TO THE AGREEMENT.

-- IT IS THE POSITION OF THE UNITED STATES THAT THE NON-CIRCUMVENTION PROVISION WILL NOT AFFECT EXISTING PATTERNS OF COLLABORATION AND COOPERATION WITH ITS ALLIES, NOR WILL IT PRECLUDE COOPERATION ON MODERNIZATION.

-- WITH RESPECT TO TRANSFERS, THE UNITED STATES HAS REJECTED THE INCLUSION OF A PROVISION ON NON-TRANSFER IN THE SALT AGREEMENT, AND HAS MADE IT CLEAR TO THE SOVIETS THAT TRANSFERS OF WEAPONS OR TECHNOLOGY TO U.S. ALLIES WILL CONTINUE AND CANNOT, IPSO FACTO, CONSTITUTE CIRCUMVENTION.

-- ONCE A SALT TWO AGREEMENT IS IN EFFECT, THE UNITED STATES WILL DEAL WITH FUTURE REQUESTS FROM THE ALLIES FOR TRANSFERS OF WEAPON SYSTEMS AND TECHNOLOGY ON A CASE-BY-CASE BASIS, JUST AS IT WOULD HAVE DONE IN THE ABSENCE OF A SALT AGREEMENT, OR IN THE ABSENCE OF A NON-CIRCUMVENTION PROVISION.

IN ORDER TO ESTABLISH A CLEAR PUBLIC RECORD OF OUR VIEWS IT IS OUR INTENTION--AS WE INDICATED ON FEBRUARY 24--TO MAKE A STATEMENT OF INTERPRETATION TO THE NAC AND TO THE U.S. CONGRESS AFTER SIGNATURE OF A SALT TWO AGREEMENT. WE BELIEVE A STATEMENT OF INTERPRETATION WILL MAKE IT CLEAR TO THE SOVIETS THAT, WHILE THE UNITED STATES HAS NO INTENTION
SECRET

SECRET

PAGE 05 STATE 083824

TION OF CIRCUMVENTING THE SALT AGREEMENT, THE AGREEMENT
WILL NOT RESTRICT LEGITIMATE PATTERNS OF INTRA-ALLIANCE
COOPERATION, NOR WILL THE NON-CIRCUMVENTION PROVISION GIVE
THE SOVIETS ANY ADDITIONAL LEGAL OR POLITICAL GROUNDS FOR
CHALLENGING SUCH COOPERATION. AS I SAID EARLIER, WE WILL
CONSULT CLOSELY WITH YOU ON THE INTERPRETIVE STATEMENT.
END TEXT. COOPER

SECRET

NNN

SECRET

PAGE 01 STATE 083824
ORIGIN SS-25

INFO OCT-01 ISO-00 SSO-00 /026 R

66011

DRAFTED BY EUR/RPM:DJMCConnell:KS

APPROVED BY EUR:JEGOODBY

EUR/RPM:SJLEDOGAR

PM/ISP:JHHAWES

S/S-O:RCASTRODALE

-----004639 060112Z /64

O 052330Z APR 78

FM SECSTATE WASHDC

INFO ALL NATO CAPITALS IMMEDIATE

S E C R E T STATE 083824

EXDIS

FOLLOWING REPEAT STATE 083824 ACTION USNATO INFO BONN
PARIS, LONDON, GENEVA AND BRUSSELS APR 01.

QUOTE: S E C R E T STATE 083824

EXDIS GENEVA FOR USSALTTWO

CORRECTED COPY(LINE 38 TEXT OMITTED)

E.O. 11652: GDS

TAGS: PARM, NATO, SALT

SUBJECT: US REPORT TO NAC ON NON-CIRCUMVENTION

REF: STATE 77597

PLEASE INFORM LUNS THAT US WILL DELIVER REPORT ON NON-
SECRET

SECRET

PAGE 02 STATE 083824

CIRCUMVENTION AT APRIL 5 NAC AS A "STATEMENT ON POLITICAL
SUBJECTS," PER INSTRUCTIONS REFTEL. AS NOTED REFTEL, WE
WOULD LIKE TO MOVE ON TO NEXT ITEM AS RAPIDLY AS WE CAN.
THE OBJECTIVE IS TO AVOID REOPENING ISSUE OR REQUIRING
FURTHER NAC CONSULTATIONS PRIOR TO TABLING OF FALLBACK.
TALKING POINTS FOR AMBASSADOR BENNETT'S PRESENTATION
APRIL 5 FOLLOWS:

BEGIN TEXT:

WE LAST DISCUSSED NON-CIRCUMVENTION IN THE NAC ON FEBRUARY
24, WHEN A GROUP FROM WASHINGTON AND FROM THE SALT DELEGA-
TION OUTLINED US STRATEGY AND GAVE US VIEWS ON THE IMPLI-
CATIONS OF A NON-CIRCUMVENTION PROVISION. I WOULD LIKE TO
REPORT TO YOU TODAY ON HOW THE US GOVERNMENT PLANS TO
RESOLVE THE NON-CIRCUMVENTION ISSUE ON TERMS FAVORABLE TO
THE ALLIANCE.

AS YOU WILL RECALL, THE CURRENT US POSITION ON NON-CIRCUM-
VENTION, AS RECORDED IN THE JOINT DRAFT TEXT, IS AS
FOLLOWS:

"IN ORDER TO ENSURE THE VIABILITY AND EFFECTIVENESS OF
THIS TREATY, EACH PARTY UNDERTAKES NOT TO CIRCUMVENT THE
PROVISIONS OF THIS TREATY."

THE SOVIETS PROPOSE LANGUAGE SIMILAR TO THIS, BUT WITH A
EXPLICIT PROHIBITION ON TRANSFERS OF STRATEGIC OFFENSIVE
ARMS OR ASSISTANCE IN THEIR DEVELOPMENT. THE PRESENT
SOVIET POSITION IS A MOVE FROM THEIR EARLIER PRO-
POSAL FOR A MORE SPECIFIC NON-TRANSFER OBLIGATION. HOW-
EVER, ANY REFERENCE TO TRANSFERS, HOWEVER GENERALIZED,
REMAINS UNACCEPTABLE TO US.

SECRET

SECRET

PAGE 03 STATE 083824

AS WE TOLD YOU AT THE FEBRUARY 24 NAC, IT IS OUR JUDGMENT

THAT THE ADDITION TO THE CURRENT US PROPOSAL OF THE PHRASE
WE DISCUSSED WITH YOU LAST YEAR,

"THROUGH ANY OTHER STATE OR STATES, OR IN ANY OTHER
MANNER,"

COULD RESOLVE THE ISSUE, WITHOUT AFFECTING THE SUBSTANCE
OF THE NON-CIRCUMVENTION PROVISION. ACCORDINGLY, WE PLAN
TO TABLE THAT LANGUAGE WHEN THE US GOVERNMENT IS CONFIDENT
THAT IT WILL RESOLVE THE ISSUE. WE WILL
MAKE CLEAR TO THE SOVIETS THAT THIS IS OUR FINAL POSITION.

AS WE SAID ON FEBRUARY 24, THE ADDITION OF THE PHRASE ON
"OTHER STATES" WOULD NOT ALTER THE SUBSTANTIVE EFFECT OF
THE CURRENT US PROPOSAL. MOREOVER, IT IS OUR VIEW THAT A
NON-CIRCUMVENTION PROVISION--WITH OR WITHOUT THE REFERENCE
TO "OTHER STATES"--IMPOSES NO ADDITIONAL LEGAL OBLIGATIONS
BEYOND THOSE INHERENT IN ANY INTERNATIONAL AGREEMENT.

--THE NON-CIRCUMVENTION PROVISION SIMPLY MAKES EXPLICIT
THE INHERENT OBLIGATION ANY STATE ASSUMES, WHEN PARTY TO
AN INTERNATIONAL AGREEMENT, NOT TO CIRCUMVENT THE PRO-
VISIONS OF THAT AGREEMENT. IT IS THE POSITION OF THE
UNITED STATES THAT THE NON-CIRCUMVENTION PROVISION DOES

NOT IMPOSE ANY OBLIGATION ADDITIONAL TO THE SPECIFIC
OBLIGATIONS ALREADY CONTAINED OR INHERENT IN THE OTHER
PROVISIONS OF THE TREATY AND, FOR THE PERIOD OF ITS
EFFECTIVENESS, THE PROTOCOL.

-- THE NON-CIRCUMVENTION PROVISION, LIKE THE ENTIRE SALT
AGREEMENT, DEALS SOLELY WITH THE BILATERAL STRATEGIC
RELATIONSHIP BETWEEN THE UNITED STATES AND THE SOVIET
UNION. THEREFORE THE UNITED STATES WOULD REJECT, AND
SECRET

SECRET

PAGE 04 STATE 083824

WOULD VIEW AS INCONSISTENT WITH THE POLITICAL AND STRATE-
GIC PURPOSES OF THE AGREEMENT, ANY ATTEMPT BY THE SOVIET
UNION TO RAISE, ON THE BASIS OF THE NON-CIRCUMVENTION
PROVISION, QUESTIONS CONCERNING THE ACTIVITIES OF STATES
NOT PARTY TO THE AGREEMENT.

-- IT IS THE POSITION OF THE UNITED STATES THAT THE NON-
CIRCUMVENTION PROVISION WILL NOT AFFECT EXISTING PATTERNS
OF COLLABORATION AND COOPERATION WITH ITS ALLIES, NOR WILL
IT PRECLUDE COOPERATION ON MODERNIZATION.

-- WITH RESPECT TO TRANSFERS, THE UNITED STATES HAS
REJECTED THE INCLUSION OF A PROVISION ON NON-TRANSFER IN
THE SALT AGREEMENT, AND HAS MADE IT CLEAR TO THE SOVIETS

THAT TRANSFERS OF WEAPONS OR TECHNOLOGY TO U.S. ALLIES
WILL CONTINUE AND CANNOT, IPSO FACTO, CONSTITUTE CIRCUM-
VENTION.

-- ONCE A SALT TWO AGREEMENT IS IN EFFECT, THE UNITED
STATES WILL DEAL WITH FUTURE REQUESTS FROM THE ALLIES FOR
TRANSFERS OF WEAPON SYSTEMS AND TECHNOLOGY ON A CASE-BY-
CASE BASIS, JUST AS IT WOULD HAVE DONE IN THE ABSENCE OF
A SALT AGREEMENT, OR IN THE ABSENCE OF A NON-CIRCUMVEN-
TION PROVISION.

IN ORDER TO ESTABLISH A CLEAR PUBLIC RECORD OF OUR VIEWS
IT IS OUR INTENTION--AS WE INDICATED ON FEBRUARY 24--TO
MAKE A STATEMENT OF INTERPRETATION TO THE NAC AND TO THE
U.S. CONGRESS AFTER SIGNATURE OF A SALT TWO AGREEMENT.
WE BELIEVE A STATEMENT OF INTERPREATION WILL MAKE IT CLEAR
TO THE SOVIETS THAT, WHILE THE UNITED STATES HAS NO INTEN-
TION OF CIRCUMVENTING THE SALT AGREEMENT, THE AGREEMENT
WILL NOT RESTRICT LEGITIMATE PATTERNS OF INTRA-ALLIANCE
SECRET

SECRET

PAGE 05 STATE 083824

COOPERATION, NOR WILL THE NON-CIRCUMVENTION PROVISION GIVE
THE SOVIETS ANY ADDITIONAL LEGAL OR POLITICAL GROUNDS FOR
CHALLENGING SUCH COOPERATION. AS I SAID EARLIER, WE WILL
CONSULT CLOSELY WITH YOU ON THE INTERPRETIVE STATEMENT.
END TEXT COOPER
UNQUOTE VANCE

SECRET

NNN

Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: REPORTS, DOCUMENTS, TEXT, SALT (ARMS CONTROL), ARMS CONTROL AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 01 apr 1978
Decaption Date: 20 Mar 2014
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE083824
Document Source: CORE
Document Unique ID: 00
Drafter: ARVERSHBOW
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780149-0384, D780141-0404
Format: TEL
From: STATE
Handling Restrictions:
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t197804103/aaaadjtt.tel
Line Count: 363
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: d86735a6-c288-dd11-92da-001cc4696bcc
Office: ORIGIN SS
Original Classification: SECRET
Original Handling Restrictions: EXDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 7
Previous Channel Indicators: n/a
Previous Classification: SECRET
Previous Handling Restrictions: EXDIS
Reference: 78 STATE 77597
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 26 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2826000
Secure: OPEN
Status: NATIVE
Subject: US REPORT TO NAC ON NON-CIRCUMVENTION
TAGS: PARM, NATO, NAC
To: USNATO
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/d86735a6-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014